

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FELIX P. BABAUTA §
VS. § CIVIL ACTION NO. H-08-251
HARRIS COUNTY SHERIFF'S §
DEPARTMENT, ET AL. §

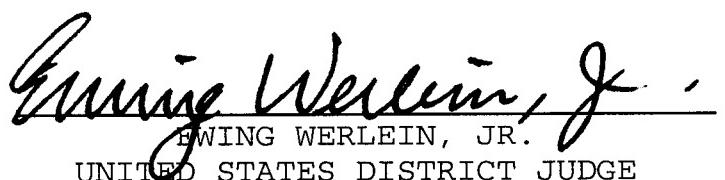
ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the Court is a Report and Recommendation from Magistrate Judge Froeschner, dated October 19, 2010, which recommends that the "Amended Motion for Relief from Judgment" of Plaintiff, Felix P. Babauta, be denied; Babauta filed timely objections on November 12, 2010, and supplemental objections, without leave of court, on November 29, 2010.

Having now given this matter *de novo* review, pursuant to 28 U.S.C. § 636(b)(1)(C), the Court finds that Judge Froeschner's findings and recommendation are well grounded in law and in fact and that Babauta's objections are without merit.

It is, therefore, ORDERED that the Report and Recommendation of Judge Froeschner is ACCEPTED by the Court, Babauta's objections are OVERRULED, and Babauta's Amended Motion for Relief from Judgment (Document no. 104) is DENIED.

SIGNED in Houston, Texas, on this 14th day of December, 2010.


EWINING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE